

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

October 23, 2014

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Carolyn Plumlee; Carolyn Richardson; Joe Smith; and Bill Wilson. Absent was Frank Penn.

Planning staff members present: Chris King, Director; Bill Sallee; Jimmy Emmons; Traci Wade; Tom Martin; and Stephanie Cunningham. Other staff members present were: Andrea Brown and Tracy Jones, Department of Law; and Greg Lengal and Joshua Thiel, Division of Fire and Emergency Services.

- II. **APPROVAL OF MINUTES** – A motion was made by Mr. Cravens, seconded by Ms. Plumlee, and carried 10-0 (Penn absent) to approve the minutes of the September 11, 2014, and September 25, 2014, Planning Commission meetings.

- III. **POSTPONEMENTS AND WITHDRAWALS** – No such items were presented.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, October 2, 2014, at 8:30 a.m. The meeting was attended by Commission members: Will Berkley, Joe Smith, Frank Penn and Mike Owens. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Dave Jarman and Kelly Hunter, as well as Greg Lengal, Division of Fire and Emergency Services and Greg Jones, Division of Police.

- V. **ZONING ITEMS** - The Zoning Committee met on Thursday, October 2, 2014, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Patrick Brewer, Mike Cravens, David Drake, Carolyn Richardson, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. PUBLIC HEARINGS ON ZONING ORDINANCE TEXT AMENDMENTS

1. **ZOTA 2014-7: AMENDMENT TO ARTICLE 22 TO ESTABLISH A PLANNED UNIT DEVELOPMENT-2 (PUD-2) ZONE** – petition for a Zoning Ordinance text amendment to establish the LuigART Planned Unit Development-2 (PUD-2) zone in a new Appendix 22B.

REQUESTED BY: North Limestone Community Development Corporation (NoLi CDC)

PROPOSED TEXT: *(Available upon request, and at:*
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28615>)

The Zoning Committee **made no recommendation** on this request.

The Staff Recommends: **Approval of the Staff Alternative**, for the following reasons:

1. The current Zoning Ordinance is able to accomplish the task of creating a unique zoning tool through the use of Article 22, where a Planned Unit Development can be designed to allow for innovation that may not be accomplished using traditional zoning techniques.
2. The proposed text amendment to establish the LuigART Planned Unit Development-2 (PUD-2) zone will permit a mixed-use district near the North Limestone and Loudon Avenue intersection that will encourage homeownership and equity programs, an artist-in-residence program, visiting artist housing, a business incubator and gallery space.
3. The proposed PUD-2 zone will allow an innovative program that supports the 2013 Comprehensive Plan and the 2009 Central Sector Small Area Plan. The following Themes of the 2013 Comprehensive Plan are supported by the proposed text amendment: Protecting the Environment (Theme B), Improving a Desirable Community (Theme D), Maintaining a Balance Between Planning for Urban Uses and Safeguarding Rural Land (Theme E), and Implementing the Plan for Lexington-Fayette County and the Bluegrass (Theme F).

Staff Presentation: Ms. Wade presented the staff report, explaining that the proposed text amendment would create a new PUD-2 zone in Article 22 of the Zoning Ordinance. She distributed the existing text of Article 22 to the Commission members, along with seven letters received by the staff in support of this request.

Ms. Wade stated that the applicant proposed to add Appendix 22-B to the Zoning Ordinance in order to create the LuigART PUD-2 zone for a three-block area bounded by North Limestone Street; Maple Street; West Seventh Street; and the R.J. Corman railroad line. The LuigART Makers Space project is proposed as an "innovative live/work zone" designed to invest in the near-downtown neighborhood located within the project area. Article 22 is intended as a tool to allow for unique, innovative projects that might not be accomplished under the Zoning Ordinance's more traditional zoning categories. When the petitioner submitted their sustainability plan for review, the staff suggested a PUD zone could be drafted according to the peti-

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tioner's needs for uses and proposed restrictions. The PUD zone is intended to provide for flexibility; make more efficient use of the land; result in minimization of land use conflicts; and provide furtherance of the implementation of the Comprehensive Plan.

The petitioner contends that the existing zoning does not provide the flexibility needed to accommodate the LuigART project. The subject properties are currently zoned B-1 along North Limestone Street; Light Industrial (I-1) along the LuigART Court area and the railroad track; and R-3 for the remainder of the properties.

Ms. Wade stated that the applicant's sustainability plan emphasized home ownership and equity programs, as well as an artist-in-residence component and spaces for visiting artist housing; gallery space; and areas for makers to work together. The petitioner is proposing to remove the typical zoning barriers in the area, in order to encourage redevelopment and rehabilitation. They propose a new and unique set of uses for the PUD-2 zone, along with a two-step approach to design standards. Under their proposal, Planning Commission review of a development plan would be required only when certain design standards were exceeded. All applications would be reviewed by Planning and Building Inspection staff, but proposals that exceeded the design standards would need to file a development plan that would go before the Planning Commission for further review.

Ms. Wade explained that the proposed text for the LuigART PUD-2 zone included eight new definitions, which are not currently defined in Article 1 of the Zoning Ordinance. They would be applicable only on the LuigART PUD-2 area. The petitioner also offered a different approach to parking requirements. Normally, each use would have a designated parking standard or requirement, usually based on number of employees or amount of square footage. In this case, the petitioner is proposing no established off-street parking requirement; rather, they are suggesting a maximum vehicular use area (coverage) limit. That would limit surface parking for any lot, which, the petitioner contends, would help to maintain the character of the established neighborhood. Ms. Wade noted that on-street parking is already available in the area, since most of the streets are one-way, and alternative modes of transportation are also available. Off-street parking is available from nearby churches and other businesses for any special event parking, as necessary.

Ms. Wade stated that, when the petitioner files a zone map amendment request for the LuigART project, it will include a site inventory and analysis, along with standards, rather than a typical development plan. Any future development plans for the property would be evaluated against those standards, in order to keep the character of the area contextually appropriate. The proposed text would also require that any development plan be submitted by an architect who is registered in Kentucky, as well as one other design professional.

Ms. Wade said that the staff reviewed the proposed text and recommended some changes prior to the Zoning Committee meeting. The petitioner considered those recommendations, and included them in a revised version of the text, which was submitted to the staff prior to this hearing and discussed by the Commission at two work sessions. The staff is recommending approval of the petitioner's revised text, which includes the recommended staff alternative, and which also provides some changes that address the concerns expressed at their work session by the Planning Commission, for the reasons as listed in the staff report and on the agenda.

Petitioner Representation: Brandon Coan, attorney, was present representing the North Limestone Community Development Corporation (NoLi CDC). He stated that the NoLi CDC currently owns 17 of the 171 properties in the subject area, along with partners who own 22 additional properties. Their intent is to file a zone change for those 39 properties in the initial round of map amendments for the project, following approval of this ZOTA. Ultimately, NoLi CDC hopes to acquire 40 properties in Phase I of the project, for a total of 36% of the properties in the subject area.

Mr. Coan stated that many community groups had submitted letters of support on the petitioner's behalf, including: the Bluegrass Community Foundation; Commerce Lexington; the Fayette Alliance; LexArts; the Lexington Downtown Development Authority; the North Limestone Neighborhood Association; and Seedleaf.

Richard Young, Executive Director of NoLi CDC, stated that the organization is a 501(c)3 nonprofit that focuses on livability in four categories: accessibility to the neighborhood; affordability; sustainability; and vibrancy. The organization executes those goals through offering affordable housing; coordinating cultural programming; enhancing public spaces in the neighborhood; helping for-profit organizations grow the retail nodes of the corridor; increasing access to social services that already exist in the neighborhood; and addressing threats to neighborhood resources.

Mr. Young said that, in addition to the LuigART Makers Spaces project, NoLi CDC also operates the Night Market, which is a monthly street festival that focuses on economic development and local business support. In each three-hour session, the Night Market is expected to bring in close to \$200,000 for the North Limestone neighborhood vendors. NoLi CDC also worked with the North Limestone Neighborhood Association to execute their sustainability plan, which was developed in 2011 in partnership with LFUCG. NoLi CDC has a partnership with Seedleaf to operate the North Pole Garden, which is a free, "you-pick" community garden in the neighborhood. The organization is also working with Kentucky American Water and the Bluegrass Community Foundation in developing one of the largest community butterfly gardens in Lexington on York Street, creating more greenspace and public space for neighborhood residents. Mr. Young stated that NoLi CDC operates a partnership with Central Kentucky Youth Orchestra called North Limestone Music Works, which provides free, daily after-

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school music instruction to students from Arlington Elementary School through high school graduation. In addition, NoLi CDC participated in creating the North Limestone Vibrancy Map, as well as allotting micro-grants to any individual who lives or works in the community through a partnership with Magic Beans Coffee Roasters. NoLi CDC is also working on a cultural plan for the neighborhood, which will guide public space development; arts and cultural access; and public art. Mr. Young stated that, in participating in all of those programs, the goal of NoLi CDC is to take a holistic approach to the development of the neighborhood in an equitable and sustainable way.

Kris Nonn, project manager for LuigART Maker Spaces, stated that this project is grounded in the concept of "creative placemaking," a term which addresses the issue of using the artistic community as a vehicle for reinvigorating an area. He said that one of the reasons for the location of the project in the North Limestone neighborhood is that the area has a lower percentage of owner-occupied homes; a higher percentage of renters; and high vacancy rates. The goal of the project is to rehabilitate 40 historic houses into a live/work model, thereby stabilizing the neighborhood and creating a new cultural district. The PUD-2 zone is necessary in order to achieve the flexibility that will allow artists to support themselves from their homes, rather than maintaining separate places of business. Mr. Nonn stated that the 39 properties that are committed for the first round of zone changes are predicted to equal a \$2.5 million economic impact to the community, aside from the residual impact that revitalization will have on the surrounding neighborhood.

Mr. Coan stated that another way to look at the proposed LuigART PUD-2 zone is as a live/work district. He said that Lexington-Fayette County does not have a live/work zoning classification that would fully meet the needs of the project, so NoLi CDC is attempting to designate an area on the map for use as a live/work district. In developing the proposed text, they considered national best practice examples in cities such as Philadelphia, Baltimore, Wilmington, Oakland, and San Francisco, as well as areas in Louisville and the Lower Town Arts District in Paducah. NoLi CDC principals worked with Planning staff to develop the proposed text, incorporating the staff alternative and Commission comments into the text as currently proposed.

Citizen Comments: Marty Clifford, president of the North Limestone Neighborhood Association, stated that he has lived on North Limestone Street since 1996. He said that one of the goals of his neighborhood is to be more pedestrian-friendly.

With regard to Mr. Young's comments about the Night Market, Mr. Clifford stated that, despite an average of over 3,000 people in attendance, there has never been an altercation during the event.

Mr. Clifford said that all of the properties proposed for inclusion in the LuigART project are substandard housing, most of which were purchased from "slum lords." He opined that the proposed project would not only eliminate existing problems, but also add value to the area. Neighborhood residents have been trying to attract investors to the area for decades, but have not been able to do so due to concerns about crime and infrastructure. NoLi CDC is the first group to indicate an interest in working to make a difference in their community, and is partnering well with residents and other community agencies.

Mr. Clifford said that neighborhood surveys conducted in recent years indicated that residents value diversity, greenspace, and public art. He opined that the proposed project would promote all of those concepts, while honoring the existing residents of the community and working with its residents.

Laurel Dixon, Seedleaf, stated that that organization has an interest in a property along York Street that is proposed to be part of the LuigART PUD. Seedleaf would like to use that property as a home base, as it would allow them to expand their capacity to train urban youth in urban agricultural entrepreneurship opportunities. The PUD zone would allow Seedleaf to support youth in the area as they worked to address "nutritional justice" issues in their neighborhood. Ms. Dixon said that Seedleaf has been working in the Lexington area for the past seven summers, and has created several successful community gardens. She asked that the Planning Commission help to further that work by recommending approval of the proposed text amendment.

Knox Van Nagell, Fayette Alliance, was present in support of the proposed text amendment. She said that NoLi CDC is presenting the community with "the rare opportunity to have a destination development in the urban core." She asked that the Planning Commission do their part in approving the proposed text amendment.

Commission Discussion: Mr. Brewer stated that he would like to applaud the NoLi CDC team for their work, particularly their willingness to address the concerns of the staff and the Planning Commission.

Action: A motion was made by Mr. Brewer, seconded by Ms. Richardson, and carried 10-0 (Penn absent) to approve ZOTA 2014-7, for the reasons provided by staff.

2. **ZOTA 2014-4: RECREATION AND TOURISM LAND USES** – petition for a Zoning Ordinance text amendment to address recreation and tourism land uses in all zones, in order to implement the recommendations of the Recreation ZOTA Work Group.

INITIATED BY: Urban County Planning Commission

PROPOSED TEXT: *(Available upon request, and at:
<http://www.lexingtonky.gov/Modules/ShowDocument.aspx?documentid=28457>)*

The Zoning Committee **made no recommendation** on this request.

The Staff Recommends: **Approval** for the following reasons:

1. The 2013 Comprehensive Plan recommends “strengthening regulations and policies that propel the agricultural economy; including, but not limited to, local food production and distribution, agritourism, and the equine industry that showcase Lexington-Fayette County as the Horse Capital of the World” (Theme C, Goal #1, Obj. B); “encouraging the development of appropriate attractions and supporting uses that promote and enhance tourism” (Theme C, Goal #1, Obj. E); and “providing entertainment and other quality of life opportunities that attract young professionals and a workforce of all ages and talents to Lexington” (Theme C, Goal #2, Obj. D). The proposed text amendment improves the opportunities for recreation and tourism-related land uses throughout Fayette County, to the benefit of all residents.
2. The *Rural Land Management Plan* (1999) acknowledged that “the best preservation tools for the rural service area are those that keep the agricultural economy viable and strong” (page I-4), and called for greenways, staging areas and trails, as well as public access to the community’s unique resources. This all suggests some level of access for recreational enjoyment and possibly tourism.
3. The proposed changes and additions to the definitions in Article 1 of the Zoning Ordinance will provide guidance and clarification to the Board of Adjustment and the Planning Commission in reviewing development applications. This text amendment adds or modifies 38 definitions related to recreation and tourism-related uses.
4. The proposed changes and additions to land use regulations in Articles 8, 11, and 23 will implement the recommendations of the 2013 Comprehensive Plan related to tourism and improving the community’s overall quality of life.

Staff Presentation: Ms. Wade stated that the staff had received a considerable amount of correspondence related to this requested text amendment, noting that they had been forwarding letters and emails to the Commission members electronically as they were received, with the exception of a letter that arrived on the morning of this hearing. She distributed copies of the letters and emails to the Commission members for their reference during the hearing. Ms. Wade noted that the staff had also distributed copies of the Planning Commission’s draft text; the basic intent statements from each of the zoning categories; and a set of tables that reflect the existing and proposed uses for each zone.

Ms. Wade stated that the purpose of this proposed text amendment was to review the Zoning Ordinance in relation to recreation and tourism uses, and to make revisions. The goals, as established by an ad hoc work group convened by Vice-Mayor Linda Gorton, were: 1) to showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, cultural landscape, and historic resources; 2) to encourage agri-tourism opportunities that are incidental to the primary agricultural use in Fayette County; and 3) to explore recreation and tourism opportunities that support quality of life, infrastructure, and the environment of the urban, neighborhood, and rural settings in Fayette County.

To date, Ms. Wade explained, a significant amount of effort has been devoted to this text amendment, which began in March of 2012 with the establishment of the work group that was put together by the Vice-Mayor. The work group spent approximately eight months sifting through information in consideration of recreation uses, and created a summary document, which was presented to the Urban County Council in May of 2013. The Division of Planning staff conducted research based on that summary document, and drafted a text amendment that specifically mirrored the recommendations of the work group. The work group co-chairs reviewed the proposed text, which was then forwarded to the Council. Ms. Wade said that, in October of 2013, the Council elected to forward the text on to the Planning Commission for initiation, because they realized that it would receive more review. Also in October 2013, the staff did a preliminary presentation of the draft text at a Planning Commission work session. The Planning Commission methodically reviewed the draft text from November 2013 to May 2014 at several work sessions. The staff took the Planning Commission’s recommendations, and incorporated them into the text, which is the version that is being presented at this hearing. The Zoning Committee reviewed the staff report in July of 2014; and the full Planning Commission considered staff alternative language from July through September.

Ms. Wade stated that the staff’s expectation is that the Commission will take public comment on the proposed text amendment at this hearing; review those comments, and possibly ask the staff to make revisions to the text; then take action on the text at a later public hearing. That action would trigger the staff’s final report to the Council, which would then receive the text for further consideration.

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Ms. Wade said that the work group had 20 meetings, where they considered the basics of zoning; the intents of the zones; resource mapping; tourism information from the Lexington Convention & Visitors Bureau; definitions; and, specifically, agri-tourism and ecotourism. The work group then created a matrix of recreation uses by zone. They also had two subcommittees do in-depth studies of the Neighborhood Business (B-1) zone and Agricultural Natural (A-N) zones, due to more intense community interest in those zones. Additional attention was given to the B-1 zone because it is both urban and rural, while the A-N zone was given more in-depth review because the Rural Land Management Plan calls for special treatment of that area. Ms. Wade said that the proposed text amendment is the result of very careful review of recreational uses in all zones, not just agricultural zones. The proposed text will help to define uses and differentiate between uses with regard to their intensity.

Ms. Wade stated that the staff drafted the proposed text in two sections: definitions and land use regulations. The staff focused on improving definitions, which are regulated in Article 1. Land use regulation changes are proposed to Articles 8, 11 and 23, with an emphasis on agritourism and ecotourism uses and minor modifications to the uses listed in the urban zones.

Ms. Wade said that the new definition list, which is lengthy, includes some terms that are not currently defined, as well as some new land uses. Providing definitions was very important to the work group. For example, the work group put a great deal of thought into defining "campgrounds," which are not currently defined; they recommended separating the types of campgrounds into primitive and recreational vehicle types, and treating the types differently based on the zoning category. Ms. Wade noted that "bed and breakfast," which is included in the definition list, is currently defined in the Ordinance, but the Planning Commission suggested a slight modification to that use.

With regard to the work group's consideration of agritourism, Ms. Wade said that the work group proposed new land uses that could be included in that category, and the regulations established for those uses. The new proposed uses include: hayrides; farm tours; corn mazes; petting zoos; pony rides; gift shops; and seasonal activities. There are some existing uses that could generally be thought of as agritourism, including wine tasting; roadside stands; riding stables; and historic house museums.

Ms. Wade stated that the proposed ecotourism category includes: hiking and biking trails; equine and zipline trails; tree canopy tours; canoe and kayaking launch sites; recreational outfitters; and bird-watching and nature preserves. The staff found that the only two existing ecotourism uses in the Zoning Ordinance were fishing and hunting clubs. Ms. Wade noted that government uses are not regulated by the Zoning Ordinance, so LFUCG Park facilities in the agricultural area will not be required to adhere to the requirements established therein.

With regard to agricultural use definitions, Ms. Wade explained that KRS defines "agricultural use" in Article 100, and exempts several uses. Small farm wineries and equine-related uses are generally permitted under KRS, so those cannot be prohibited or restricted by the Zoning Ordinance. Gift shops have been proposed in some instances in agricultural zones; those are proposed to be limited to 1,000 square feet in size. The proposed text also refers to special events, but notes that they would be prohibited if they were related to a commercial purpose. That regulation would allow the continuation of philanthropic events on agricultural properties. Ms. Wade said that clarifications are proposed for the definition of "commercial farm market," which is different from the current definition of agricultural market. Commercial farm markets are intended as the downtown farmers market, while an agricultural market is broader and more intense in use, and can include sales of livestock. "Tree canopy tours" and "zipline trails" are differentiated by the method of construction. Ms. Wade added that these proposed changes would maintain the limit of 10,000 total square feet for built structures in agricultural zones.

Ms. Wade said that the Planning Commission reviewed the work group's recommendations for several months, relying on tables prepared by the staff to aid in the comparison of existing zoning regulations versus the proposed changes. The specific changes proposed by the Planning Commission included some new or modified definitions, as well as several use changes. Equine-related uses, such as riding events of more than 70 participants, would be conditional uses. The Commission added youth camps in the agricultural zones; included gift shops, with a 1,000 square-foot restriction, in the A-N zone; and added "country inn," along with a definition, which would be allowed only in rural B-1 zones.

Ms. Wade stated that the last part of the proposed text amendment involves a minor change to the Land Subdivision Regulations definition of "environmentally sensitive area." That definition would add the words "or use" to the end of the first sentence of the definition, in order to make the definition in the Land Subdivision Regulations match that of the RLMP text.

Ms. Wade noted that the staff would not review the particulars of the proposed text extensively at this time, since the Commission had reviewed it at many of their recent work sessions.

Citizen Comments: Greg Bibb, Chair of the Rural Land Management Board, read the following for the record:

"In the year 2000, the Urban Council passed the ordinance that created the Rural Land Management Board and the Purchase of Development Rights program. The purpose of the ordinance is 'to establish a program for the preservation and management of agricultural, rural and natural lands which will

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over the next 20 years purchase perpetual conservation easements on 50,000 acres in the Rural Service Area.'

Since the inception of the program, the Rural Land Management Board has successfully conserved over 28,000 acres of farmland on approximately 244 farms. These farms range in size from less than 20 acres to over 500 acres, and include crop, cattle and equine farmland.

The preservation of Fayette County farmland is vital to our local and state economy. According to a 2013 University of Kentucky College of Agriculture economic impact study, this finite resource supports an agricultural cluster that generates \$2.4 billion in annual output, and provides 1 of every 9 jobs. This farmland is woven through our economy in ways we do not consciously recognize, yet is essential to our quality of life. It provides the food that fuels the farm-to-table movement in our local restaurants; it enables our farmers' markets to thrive and diversify; it drives the record-breaking attendance at Keeneland and its \$530 million in sales last year; and it brings tourists from all over the world who shop, eat and play in our wonderful city. It is an indispensable component of our economy.

As you contemplate expanded recreational uses in the Rural Service Area, we ask that you keep in mind that our community, state and federal government have invested \$77,000,000 in protecting our rural farmland. The PDR farm owners and citizens of Fayette County have a vested interest in ensuring these dollars accomplish their intended use as stated in the Rural Land Management Plan. Agriculture is economic development and if our farmland goes away, so goes our Lexington economy. 50,000 acres is only 27% of all land in Fayette County, yet the return is immeasurable. We ask that you join us in our goal of preserving 50,000 acres, and not implement changes that could hinder our efforts.

With sincere gratitude for your consideration,
The Rural Land Management Board"

Missy Byars, representing the Fayette County Neighborhood Council, read the following for the record:

"Conditions must be drafted and adopted for many of the proposed uses as part of the text amendment, in order to make them user and neighborhood-friendly. Without the establishment of minimum conditions for the individual and specific uses that could potentially generate noise, pollution or other conflicts, neighbors and neighborhoods have no assurances or legal grounds that the use will not have an adverse influence on the existing or future development of the subject property or the surrounding neighborhood.

Article 6-7A of the Zoning Ordinance states: 'All recreational and commercial uses shall require a posted security bond.' The Fayette County Neighborhood Council suggests additional information and clarification regarding ensuring intent compliance for activities in each zone clarification; provide definitions for every use; improve some of the existing definitions for clarification; develop conditions for some specific uses to ensure compatibility; eliminate conflicts within individual zones and across zones; and comply with all other local, state and federal laws and regulations and adopted plans."

Bill Lear, attorney, stated that he had not been involved in the Recreation ZOTA process to date, but he was recently asked by a number of individuals to comment on the proposed text and how it relates to past planning efforts.

Mr. Lear said that he was involved in a "seminal period" in Lexington-Fayette County planning history, beginning in 1995 and ending in 2000. During that time, the Urban Service Area was expanded by 5,600 acres; and the Expansion Area Master Plan (EAMP), Rural Land Management Plan (RLMP), and PDR programs were adopted. There were four incorporators named in the RLMP, who were directed to establish the PDR program: Mayor Pam Miller; Frank Penn; Margaret Graves; and Mr. Lear. He participated on behalf of the Homebuilders Association of Lexington, as well as other economic development and development interests. This ZOTA process has been similar to that of the development of those plans and programs.

Mr. Lear stated that some balances were struck as part of the public policy process in Lexington-Fayette County, including expansion of the USA boundary for the first time in many years, and laying of the foundation for future expansion. That process also provided maximum protection for the rural landscape, particularly the prime agricultural lands. From the standpoint of preservation, the points system in the PDF program was given the most attention, since it was intended to establish the foundation of rural protection going forward. Mr. Lear said that the highest point value in the program is for prime agricultural lands, large tracts, and lands that have road access. Points were deducted for sewerability areas and proximity to the USA boundary, and protections were specifically put in place for the equine industry.

Mr. Lear read the following, from presentations he made at that time:

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"Listen who is in favor of this compact we made: the Chamber of Commerce; the Land and Nature Trust of the Bluegrass; Bluegrass Tomorrow; the Homebuilders Association; Bluegrass Conservancy; the Farm Bureau; Fayette County Neighborhood Council; Kentucky Thoroughbred Association; and various Planning Commission members, Councilmembers, the Mayor, and other members of the public."

"This is important from the business and economic standpoint, because of the economic impact of the agriculture industries, particularly the horse industry; its role in establishing the character of our area; its role in the recruitment of businesses and employees."

Mr. Lear stated, after reviewing the proposed text amendment, that he is concerned about "anything which has the potential for putting incompatible uses—uses incompatible with functioning, primarily horse farms—in the A-R zone." He said that horse farms are "horse factories" that produce a product that cannot be easily replaced if it is lost. In his opinion, many of the uses in the broad definitions of ecotourism and agritourism sound appealing, but they should not be located next to those "horse factories" if they have the potential for endangering the primary product.

Mr. Lear stated that the community made the decision to protect that primary product because of its economic value. He suggested that the Commission "go very slow" in opening up additional uses in the prime agricultural areas, because they run the risk of endangering the industry that is most important there.

Ann Graham, resident of the 5th Council District, read the following for the record:

"I grew up in the Ecton Park neighborhood, or what became Ecton Park after the Ware Farm was sold. In fact, there were farms surrounding our new neighborhood, and we played in the open spaces for hours; cops and robbers in the summer, and snow sledding all day at Banana Hollow in the winter. Now, all that is left of this fabulous open space is tiny little Ecton Park. And only half of it is available to the neighborhood, since the rest of it has been consumed by baseball fields, bleachers, a snack stand, and other buildings.

An Incompatible History

Ecton was meant to be a neighborhood park, a place for teaching our children to play tennis; for adult volleyball leagues; beginners' soccer instruction; family reunions; stopping at the store on Romany Road to buy a picnic dinner for the family while they listened to a Tuesday evening jazz concert; walking babies and dogs; hosting tiny tot birthday parties at the playground; a place where Morton, Cassidy, and Christ the King classes can walk to learn and picnic. In other words, a normal park. Even the basketball court had to be squeezed into the center of the park, because of the ball fields. When the beautiful, 150+-year-old tree in the heart of the park came down a few years ago, our view became nothing but the blight from the paved-over grass and the concession building for the ball club. Today, the sign on the side of the building says that they are having a \$450,000 expansion campaign. But nothing about moving the facility to a more appropriate location. Before the park service finally put up wooden post barriers, the ball club parents were parking their cars on what was left of the grassy area, so that they would not have to walk a few blocks to their child's game. So much for the tree roots that they were crushing. The 5th district Councilman was told an untruth so that they could get access to more of the park to build a third field. They said the tennis courts, in good condition at that time, were never used, even though I had recently had to wait in line to get a court. This group, with many of the families coming from outside our district, has taken over our park, and, because their facilities lock up so much of the park space, imagine what is left over for all of those community activities listed above. Almost nothing.

I am here today asking you to protect our parks as green spaces, and not allow special interest groups to come into a neighborhood and corrupt a beautiful and much-loved park. Thank you for allowing me to speak today."

Knox Van Nagell, Fayette Alliance, stated that she would like to submit, for the record, the group's written position and *Lexington Herald-Leader* op-ed article about the proposed text amendment. She read the following for the record:

"We would like to say that we applaud the ZOTA initiative, as it attempts to achieve the delicate but necessary balance of promoting tourism and recreation on one hand, and protecting our farm operations and natural resources on the other. Therefore, we respectfully request that you adopt the ZOTA committee report, along with our following five recommendations.

First, we believe that farm gift shops and homegrown restaurants must have an agricultural nexus between the products sold and the subject farm. Work is needed to determine a feasible and enforceable

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ble definition for “ag nexus” to legitimize the ag aspect of tourism uses in the rural area, and in the A-R zone in particular.

Second, we support farm gift shops only if they are located on working farms that are giving tours; are no more than 1,000 square feet in size; and are selling farm products and/or memorabilia that are raised on site. Under this scenario, the ag nexus is maintained, and the use is accessory to a bona fide farm operation, upholding the ag intent of the rural zones where they are contemplated.

Third, we support non-commercial, passive recreational principal uses in our core ag areas, particularly in the A-R zone, such as multi-use trail systems using public rights-of-way along our scenic rural roads.

Fourth, we support commercial, recreational, and ecotourism conditional uses, such as canopy tours, recreational outfitters, and campgrounds, outside of our core ag areas in the B-1, A-U, A-B, and, potentially, A-N zones, provided a surety bond is in place where needed on a case-by-case basis to protect the environmentally sensitive lands in that area. The Planning Commission should appoint a workgroup to explore the use and application of such bonds. Ostensibly, a bond requirement would demonstrate that the business operator is well-financed and capable of stewarding our most precious resources, and also able to clean up the site in the event the use ceases for any reason. If we can require performance bonds for development in the heart of downtown, we can and should do it for our most remote and sensitive natural resources throughout our rural landscape.

Fifth, new non-commercial recreation and ecotourism programs should be explored on our 2,800 acres of rural parkland in Fayette County. These lands could accommodate a community need without altering our Zoning Ordinance.

The ZOTA is a most significant legislative initiative, and a win-win is needed, where we build on our assets, and not undermine them. To accomplish this, we must strengthen the foundation upon which our acclaimed, bluegrass brand is built, while introducing exciting new land uses and public access opportunities that complement this foundation. Protecting the ag intent of our rural zones and preserving our unique natural resources are essential to this vision. Much is at stake, and we very much appreciate you considering our remarks here today.”

Gregory Butler, Chair of the Greenspace Commission, read the following for the record:

“The Urban County Council created the Lexington Greenspace Commission in 1990 with an ordinance tasking the Commission to protect, preserve, and enhance those open spaces within the county which possess the characteristics which give the Bluegrass Region its unique identity, to strengthen tourism and related businesses through the preservation of our unique character, and to provide an accessible system of open spaces which offer significant education value and opportunities.

Having reviewed the proposed Recreation Zoning Ordinance Text Amendment (ZOTA), the Greenspace Commission unanimously supports the goals of the ZOTA Work Group to:

‘Showcase Lexington-Fayette County as the Horse Capital of the World by preserving and promoting its unique agricultural industries, environment, and cultural landscape and historic resources.

Encourage agritourism opportunities that are incidental to the primary Agricultural use for signature Fayette County farmland.

Explore recreational and tourism opportunities that support the quality of life, infrastructure, and environment of urban, neighborhood, and rural areas.’

These goals are in line with the mission of the Greenspace Commission, as well as the goals and recommendations outlined within the Greenspace Plan adopted by the Council in 1994.

However, the Greenspace Commission contends that the proposed use designations within the Recreational ZOTA are too restrictive and suppress the potential for the development of new and engaging recreational opportunities within the Rural Service Area that are accessible, promote tourism, and stimulate economic development. The prohibition of so many potential uses is contradictory to the aims of the Greenspace Plan to diversify the rural economy and increase rural recreational activities, while adapting to the needs of the future.

The Greenspace Commission recommends that the Planning Commission review uses proposed within the Recreation ZOTA as Prohibited (P) and consider amending them to a Conditional Use (C).

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Given the unique nature of each proposed development or improvement, the Conditional Use designation allows the Board of Adjustment to review each proposal on its individual merits and appropriateness, and to take into consideration the uniqueness of its scale, location, and potential impact on the surrounding area.

Respectfully submitted,
Gregory M. Butler, Chair"

Nick Nicholson, attorney, was present representing Horse Country, Inc., who made a presentation to the Planning Commission at their August work session. He said that, since their business is not yet operational, his clients did not want to weigh in fully on the proposed text amendment. They are concerned, however, about the proposed language concerning gift shops.

Mr. Nicholson stated that the Disney Institute, acting as a consultant in the development of his clients' business, stressed the importance of providing "tangible memory items" for tour participants, noting that souvenirs create a desire in travelers to return to the locations where happy memories were made. He said that repeat tourism will be an important facet of Horse Country, Inc., so his clients would like to propose an alternative definition for "gift shop," (the same definition as was proposed by Fayette Alliance.) Their definition would tie the commercial gift shop uses to the agricultural zone, while clearing up ambiguities, such as the meaning of "small and inexpensive," which is included in the current definition. Mr. Nicholson stated that his clients would recommend the following language for the definition of "gift shop:"

"A retail facility that sells farm products grown or raised on the premises, and/or farm memorabilia representative of the farm products grown or raised on the premises."

Mr. Nicholson stressed that his clients do not believe that gift shop uses should be limited to horse farms, but should be open to any use.

Burgess Carey, 8039 Old Richmond Road, read the following for the record:

"Thank you for considering my comments regarding the currently proposed Recreational ZOTA. As you know the Boone Creek Outdoors project has withdrawn its request for a rezoning to the as yet unused Agricultural Natural zone. This project is only relevant to my comments regarding the ZOTA as an example of the consequences of not including additional principal uses in the A-N zone as a part of this text amendment.

It is clear that this ZOTA is intended, as Vice Mayor Gorton has repeatedly stated for the record '...not to look for more uses in the A-R zone, but to restrict the types of uses that we don't want.' The committee, which recorded and considered no public comments of record, identified its priority as to promoting the three primary brands for Fayette County, The Equine Industry, Traditional Agricultural and Wineries, then anything else that does not negatively affect these industries.

What has resulted is a proposed piece of legislation that limits the potential commercial opportunities to sustainably preserve and maintain our treasured Greenspace to these three industries. This is a shortsighted approach.

While no one would dispute the priority the thoroughbred industry should be given in our community, or the fact that this commercial activity helps support the land values of our Greenspace, it is also true that our county is littered with 40 acre and smaller lots that can never be entirely self supporting while limited to these three uses alone.

The priority, as identified by John Gaines, of preserving our "Factory Floor" is sound, however if the rent and maintenance of that factory cannot be supported by one business, does it matter if another type of business can?

What if this legislation were passed 50 years ago, and tobacco was one of the few products that landowners were allowed to produce? We would now have one fewer way to preserve our Greenspace, and be desperately searching for another.

The safety net currently in place is sufficient to prevent development we do not want, there is a multi layered regulatory process that must be met before any new commercial or non commercial uses are established in the A/R zone now, from the Planning Staff, The Board of Adjustments, The Planning Commission and the City Council, and in my case the Circuit Court. It is obvious to me that controls are established to regulate unwanted activity in our community.

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So what do we gain by prohibiting virtually every commercial activity from 73% of our land in Fayette County?

It is an established principle that gains are seldom made by suppression, and while we all support and admire our current "signature brands", refusing to consider new innovations through prohibition will only squash innovation, in which case we all lose as a community.

For example, 40-acre lots or those of similar size might best be preserved "as is" by hosting nano-distilleries, yoga studios, citizen centers, bed and breakfasts, children's educational facilities, art studios, ferriers, music studios or boutique venues, surely these types of uses could be good neighbors to our most prominent industries.

Bourbon and Bluegrass music are two "signature brands" that are not represented here, will we regret that later?

Please consider allowing additional commercial and non commercial uses in the AR zone that would not be disruptive to our signature brands.

Finally, as I understand this ZOTA, it is recommending the separation of eco-tourism from agri-tourism in terms of definition. This is contrary to the existing State KRS which identifies eco-tourism activities under its agri-tourism definitions. This ZOTA basically proposes prohibiting all eco tourism from the A-R zone (as well as many other uses) in favor of allowing these uses to be "conditional" under the Ag-Natural Zone.

However the "conditional use" addition is not practical and will not result in the intended protection of these lands. The Agriculture Natural Zone carries a higher standard for use and protection, commercial or non commercial, because of the sensitivity of the land eligible for that classification. This is entirely reasonable, however if there are no new principal uses in the A-N zone there is no real opportunity or reason for the landowner to make the investment to request a zone change, to only have a "conditional" use to provide the incentive.

The A-N zone has not been utilized since it was created in the 1990's for this very reason. The principal uses are the same.

Therefore, I would like to respectfully request that this planning commission amend the current ZOTA to include ecotourism activities, including canopy tours, as well as Bed and Breakfasts, as Principal uses in the A/N zone.

In closing, I attended every meeting of the ZOTA committee as a member of the public, however public comments were limited to 3 minutes at the end of each meeting and not recorded for the record, very few others attended these meetings. While the committee took on a Herculean task, there was little influence on its decision from many other potential stakeholders from our community. This ZOTA needs revision and needs to be more inclusive of our entire populous and to potential visitors alike.

On Old Richmond Road where my family lives, we have numerous alternative commercial activities taking place on AR land, both permitted and non permitted, from bistro restaurants, wineries and corn mazes, those operations are benefits to the neighborhood, and they facilitate the preservation of the land as well as help sustain property values. These alternative commercial uses present opportunity to take better care of the properties in our area, and can benefit from the impact and proximity of the interstate as well as the potential opportunities from being so close to the Kentucky River.

Please consider these suggestions for revisions to this critical change in the law.

Our greenspace is precious, to all of us.

Burgess Carey
The Carey Group"

Jim Griggs, McCalls Mill Road, read the following for the record:

"My name is Jim Griggs. I've been a member of the Board of Adjustment for 10 years. This text amendment, will be implemented, for the most part, by the BOA. Our hearings are fast-paced. Regarding conditional uses, which is one of the Board's areas of responsibility, sometimes we fail to think of all of the requirements necessary to protect the existing neighborhood. Nothing would help the BOA more than these three things: clear definitions of terms; recognizing in the text amendment

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the different impact a use will have in a commercial vs. a non-commercial setting; and a thorough list of minimum conditions for uses that are likely to be intense, busy, and noisy, like wedding receptions, campgrounds, or canopy tours/ziplines. For an example of minimum conditions, may I suggest you look at ag markets, mining/quarrying, concrete mixing plants, and B&Bs. In the A-R zone, you'll find requirements on parking, lighting, noise, and minimum lot size, as well as minimum distances from a conditional use facility to other properties. The BOA has difficulty coming up with these conditions on the fly, in order to limit adverse effects on surrounding properties, thoughtful consideration of these conditions in advance will help the BOA make better and more consistent judgment calls.

On a personal note, if I can have one more minute of your time, I'd like to give you a view into the A-N zone, which seems to be taking the brunt of this ZOTA. I live in southeast Fayette County on McCalls Mill Road. It's a Scenic Byway little more than one lane wide. We live in a wooded creek valley. Our driveway is graveled with a switchback. Obviously, we don't have sidewalks or street lights or city sewers. Eight houses on McCalls Mill don't have city water; I have a well. We don't live there because it's easy or convenient; it's not. We live there because it's quiet and peaceful, rare qualities these days. Our land is zoned A-R, but it's in the A-N overlay, if I can call it that. Wedding receptions every weekend, a campground, or a zipline in close proximity would destroy the ambience and hurt land values. Without long--very long--separation requirements between these new, intense uses and surrounding properties, the existing neighborhood will be compromised.

I thank you for your time and your efforts."

Commission Question: Ms. Mundy asked how large Mr. Griggs' property is. He responded that his property is 3.75 acres in size.

Todd Johnson, Homebuilders Association of Lexington (HBAL), stated that he been involved in this process since the beginning, as a member of the ZOTA work group. He submitted a letter for the record.

Mr. Johnson stated that, at a recent HBAL board meeting, a conversation took place about property rights and opportunities for property owners to make a living in a way that is compatible and beneficial to the community. He said that HBAL members believe that it is vitally important to connect the Urban and Rural Service Areas, and to be forward-thinking in developing opportunities to connect visitors with the rural landscape and activities.

Mr. Johnson said that HBAL is opposed to the ZOTA as proposed, because its members do not believe that there are enough provisions in place to allow property owners to make a living on their properties without a number of barriers. He opined that the existence of zones with either no allowable principal uses, or very limited such uses, is not a good example of land use. The HBAL members believe that it is possible to review the zones in question and find compatible, principal uses that will apply to each situation.

Mr. Johnson stated that HBAL would like to request that the Planning Commission not approve the current text of the proposed ZOTA, and take time to work with the staff to find "reasonable, logical" principal uses for some of the zones that they believe might be lacking.

Tom DuPree, Lexington resident for 50 years, stated that he had worked in many jobs in the community. He read the following for the record:

"As you take up the Recreational Zoning Ordinance Text Amendment at your meeting today, you might ask yourself a very simple question 'Does Fayette Cmnty really need more regulations concerning land use?'

My business is located just across and up Main Street from City Hall. Our business sits at street level with large plate glass windows facing Main Street. I see a lot of people walk by during the course of the day and almost none of them have jobs.

The reasons why they don't have jobs are myriad and beyond the scope of this letter. However more arcane and detailed regulations concerning how the land in our county can be used will probably further limit the possibility that these people may find jobs. I don't see many of them becoming ag-tourism guides or farm to table purveyors anytime soon.

Another aspect of our business puts us in touch with people who have recently retired. If you look at the impact of employers like Lexmark and Toyota on the financial situations of many simple working people, as I do daily, your eyes would be opened as to what actually creates wealth and prosperity in our community. It isn't agriculture. It is manufacturing.

Proponents of the Text Amendment, also known as ZOTA would have us believe that further taking of property rights away from landowners in rural Fayette County somehow will create prosperity. It is based on a notion that the "community of stakeholders" meeting numerous times over the past few years have come up with better ways of managing land than its actual owners. This is a ridiculous notion, but in Lexington-Fayette it is au courant.

The idea that Lexington-Fayette is an agricultural powerhouse is tenuous. If you take away the Thoroughbred race horse industry we have very little agriculture in this county. We don't crack the top ten counties in Kentucky in any agricultural product other than race horses. And when the sales at Keeneland are added to Fayette County agricultural production it is simply a misrepresentation. The Keeneland Sales ring is more like a brokerage company. That sale could take place anywhere, including in a virtual environment. There is nothing particular about Lexington that requires the sale to happen here.

If you drive around in rural Fayette County as I do frequently what you realize is that Lexington-Fayette has a mowing problem. Our rural areas are mainly empty fields. Instead of working farms what we have in rural Fayette County is a lot of high priced residences on 40 acres or more. And there's the rub.

The most recognized group pushing ZOTA, the Fayette Alliance, represents primarily large landowners even as they pretend to be somewhat more populist. While it could be argued that these large owners' land values might be somehow enhanced by ag tourism, it seems that the real motivation is 'not in my backyard'. These people paid a lot of money for their land and they don't want to look out their back window and see anything but more farm land. And to be honest, I don't blame them.

But this is a private matter. Large parts of the notion of private ownership of land have been ceded to 'communalists' over the years in our country and especially in Fayette County. The problem comes when these 'community takings' seriously devalue the private value of land and its ability to generate real jobs. The Lexington Fayette Urban County Government will find itself financially pinched more as its Public Safety pension and health care costs rise. It's only real source of revenue is the occupational tax. But if we continue to constrain more land those jobs will continue going to Scott County.

As you look at ZOTA, remember what it is. It's an effort on the part of a wealthy few to keep rural Fayette County free of people. It's how the whole notion of infill got started. What rural Fayette County needs is more factories of the manufacturing type, not the imaginary type.

I see the effects of our county's land use policies on a daily basis. It creates an inner city which is a breeding ground for crime and poverty. And it creates countryside with an artificiality that is good for very little. Except mowing."

Mr. DuPree invited anyone who was interested to appear on his radio show to discuss the proposed text amendment.

Debra Kelly, owner of Kelly Farms on Old Richmond Road, stated that her family's farm is approximately 200 acres in size. She said that her family also operates a corn maze, which generates funds that help support the farm. The family raises cattle; has several acres of blackberries; and sells pumpkins and other seasonal produce. Educational groups are encouraged to visit the corn maze, where students are taught about growing produce, beekeeping, and other agricultural activities.

Ms. Kelly said that the corn maze was started by one of her daughters as a high school project. She stated that the corn maze has been operated for eight seasons, with the full support of her neighbors, all of whom were notified about the project before it opened. The corn maze operates Wednesday, Thursday, and Friday evenings, as well as all day Saturday and Saturday evenings, all in accordance with state regulations.

Ms. Kelly stated that her family has been lifelong residents of Lexington-Fayette County for at least three generations. She asked for the Planning Commission's consideration in allowing her farm to continue operating corn mazes and providing educational activities, while supporting their neighborhood.

Commission Question: Mr. Owens asked if the corn from the maze is harvested. Ms. Kelly answered that the corn is cut down after the maze, and serves as a home for foxes and deer during the winter. She added that this year, it is intended to be used as silage.

Chauncey Morris, executive director of the Kentucky Thoroughbred Association, read the following for the record:

"The Kentucky Thoroughbred Association (KTA) is supportive of recreational and tourism opportunities that complement our signature Equine and Agricultural sectors which define the image of our community and contribute jobs, tax revenue and significant economic impact to Fayette County. Simply put,

there has been a large increase in tourism as well as new opportunities for novel recreation over the past ten years due to a tradition of preserving production agriculture, not in spite of it.

As it pertains to the Agricultural Rural (A-R) zone, the KTA is in favor of preserving the zone as designated, to promote production agriculture and the itinerant needs of farming operations. It is our opinion that commercial recreation and adventure tourism should be minimal in this zone, as it is disruptive to the very activities which have attracted interest from individuals and groups wanting to locate within the A-R Zone from all over the world. Public access in our core agricultural areas may be addressed through carefully managed farm-tour initiatives such as Horse Country, and comprehensive non-commercial trail systems using public rights-of-way, etc.

Adventure tourism and other commercial uses may be better suited to the rural B-1, A-N, and A-B areas, given the intent of these zones. Such uses should only be introduced if their operations respect the natural resources, adjacent farm operations, and neighbors of the subject area. Buffering, noise and light restrictions, water quality controls, and if necessary surety bonds are tools that can be used on a case-by-case basis to achieve this goal.

Lexington-Fayette County is the Horse Capitol of the World. We must continue to deliberately protect and promote our acclaimed Bluegrass landscape that is the foundation of our signature industries, while responsibly pursuing tourism opportunities that complement this brand."

Mr. Morris stated that Kentucky has superseded all other states, and is now responsible for 34% of the national foal crop, as well as producing more foals than any other single location in the world. He said that Lexington-Fayette County is the best location in the world for breeding, racing, and selling thoroughbred horses; and that industry is a significant contributor to the economy.

Mr. Morris stated that the 24 directors of KTA are not large landowners; they are hands-on horsemen and women who are devoted to growing "a product that has a heartbeat," and that is their reason for wanting to preserve the agricultural area as it was meant to be.

Randy Gilbert, president of the Kentucky Thoroughbred Farm Managers' Club, stated that he first came to the Kentucky Horse Park when he was nine years old, and he fell in love with the landscape. He said that his family is from Ohio, but he knew at that point that he wanted to live in Lexington-Fayette County. He relocated to the area as part of the Kentucky Equine Management internship program in 2001. Mr. Gilbert read the following for the record:

"My name is Randy Gilbert and as the President of the Kentucky Thoroughbred Farm Managers' Club (KTFMC), I am writing to you on behalf of our 700 members whose livelihoods are dependent upon the land that makes up Fayette County and the surrounding counties. Fayette County is known as the horse capital of the world and for good reason. The Thoroughbred industry here in Kentucky is a multibillion dollar industry with the largest concentration of horses here in Lexington. Without our famed bluegrass land upon which we raise our horses, Kentucky would be without one of its signature industries. We cannot create more land, therefore we must protect what we have now. The KTFMC is in full support of preserving the Agricultural Rural (A-R) zone as designated. Any change should be minimal as it is imperative that we protect the land and water that we use to raise Kentucky's signature industry. Commercial and other non-agricultural/equine related ventures are best suited for other zones where our industry will not be disturbed."

Mr. Gilbert stated that the following statistics were obtained from the University of Kentucky Equine Survey that was conducted in 2012: the equine industry as a whole in Kentucky has a \$3 billion impact; breeding and raising horses has a \$710 million impact; the racing industry has a \$1.28 billion impact; and Keeneland had a \$15 million impact on Lexington-Fayette County in just its two 2012 meets. He said that those statistics are important because, of the 242,000 horses in Kentucky, 10% are located in Lexington-Fayette County, nearly twice the 13,000 horses located in Bourbon County, which has the second largest concentration.

Carrie McIntosh, Fayette County Farm Bureau, read the following for the record:

"My name is Carrie McIntosh, and I am writing this letter on behalf of the Fayette County Farm Bureau.

Farm Bureau serves as the "voice for agriculture," our mission is to work together to support farmers in practicing sustainable agriculture, to enhance the environment, to provide safe food systems from production through consumption, to communicate factual information to consumers, to encourage youth in advancing education and leadership skills, to represent agricultural concerns to elected officials, and to contribute to the social fabric of the community.

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In advancement of our mission, Fayette County Farm Bureau would like to recommend your consideration and adoption of ZOTA 2014-4 & SRA 2014-1: Recreation and Tourism Land Uses.

A diverse group of members was assembled under the direction of the Vice Mayor and has worked on this plan for over 2 years with planning staff present at all meetings. We feel confident that the workings of this group and their final recommendations has been taken very seriously and explored to the fullest and therefore support their original findings and recommendations.

The ZOTA work group has recommended new tourism uses in the rural area provided they consider natural resources and some sort of production agricultural take place in conjunction with the conditional use.

The intent of the A-R zone is to promote farming. Non-agricultural commercial uses should be kept to a minimum in this zone to protect Ag enterprise, which has a \$2.4 billion impact on our local economy and constitutes our iconic brand.

The creation of the Agricultural-Natural Zone allows for advancement in recreation under strict supervision to ensure proposed activities are well suited for the land being proposed.

Recreation opportunities can be strengthened in the rural area, and should be addressed in a non-commercial comprehensive way to protect the intent and primary land uses of the A-R zone.

Horse Country, a comprehensive bike trail system using public rights of way, and a re-evaluation of the activities and programs offered on our 2,800 acres of rural parkland should be explored. We are aware that this issue of agritourism in Fayette County has been a highly discussed topic for some time and careful consideration of this matter is very important to secure our landscape and heritage here in Fayette County.

In conclusion we again would like to recommend that you adopt the final report as presented by the ZOTA work group ZOTA 2014-4 & SRA 2014-1. Let's work together to enhance our County and provide economic opportunities for all in a way that protects our unique Bluegrass."

Betty Webb, former member of the Greenspace Commission and Preservation Committee, stated that, as a member of those bodies, she served during the same time period as Mr. Lear. She said that, although she and Mr. Lear were on different sides of the table, they both came to realize that agricultural land is "an extremely special resource" in Lexington-Fayette County, and it needs to be protected.

Ms. Webb said, with regard to the Greenspace Master Plan, that one portion provided a framework for open spaces and riparian corridors along the nine major watersheds for the specific purpose of addressing the growing problem of stormwater runoff, declining water quality, and reduced wildlife habitat. She asked that the Commission members review that Plan, because she believes it is important that they become familiar with its guidelines before allowing recreation uses along important conservation corridors.

Ms. Webb opined that, although she is a supporter of all types of active and passive recreational uses, she believes that many of the changes proposed in this text amendment conflict with the carefully crafted guidelines outlined in the Greenspace Master Plan. She said that the Plan identified three distinct types of conservation corridors, and the types of activities that should be allowed in them: 1) steep slopes, wetlands, and areas with unique ecology, with no facility development or active recreational activities; 2) less sensitive areas, which would be suitable for low-impact, passive activities such as hiking trails, minimal amenities, and picnic tables; and 3) lesser sensitive areas, which were deemed suitable for active recreational uses such as hard-surface trails and more extensive support services and amenities. The more important consideration in all of those corridors was to preserve the natural landscape to ensure optimal stormwater management and water quality control.

Ms. Webb stated that she believes that more intense recreational uses in the most sensitive areas will have a direct negative impact on the issues that the conservation corridors were designed to address. She noted that those corridors run throughout the Rural and Urban Service areas, and include public and privately-owned lands, so the zoning issues involved with uses along the corridors can be very complex. Ms. Webb said that the original Greenspace Master Plan included a recommendation for small area development plans for many of the portions of the conservation corridors, which has not happened in any one area. She opined that, if such a plan had been developed in the Boone Creek area, it would have saved a lot of trouble over the last several years. Ms. Webb encouraged the Commission members to defer to the guidelines currently in effect in the existing Greenspace Master Plan as part of their consideration of this text amendment.

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Susan Enlow, Fayette County resident, complimented the staff on the “very delicate dance” they have conducted to satisfy the disparate interests in this text amendment. She said that she wants to preserve the gifts of Lexington-Fayette County, and she wants other people to be able to enjoy them.

Ms. Enlow stated that she and her husband have biked and kayaked in other states, where they have enjoyed ecotourism activities, and noted that Lexington-Fayette County might be missing out on tourism dollars by not developing similar ecotourism uses. She said that she was raised on a farm, and she has an interest in preserving Lexington’s international brand. As the current owner of an off-track thoroughbred, she recently spent time with veterinarians and farriers from Spain, England, and Ireland, who came to this area because Lexington-Fayette County is “the center of the thoroughbred world.”

Ms. Enlow stated that she is a strong proponent of personal property rights; however, she believes that sound, light, traffic, and visitors could seriously negatively impact the preservation of the equine industry. She asked that the Commission include the extra provisions proposed by Fayette Alliance in their consideration of the proposed text amendment.

Luke Fallon, stated that he was present representing “the land and the horse,” both of which are critical to the culture of Lexington-Fayette County. He said that he is a fifth-generation member of Hagyard Equine Medical Institute, his family’s business, which has operated continually for nearly 140 years.

Dr. Fallon said that he would challenge anyone who believes that the equine industry does not contribute to the community culturally and economically. He noted that, during the foaling and breeding season, his family’s business employs 200+ staff members, in addition to its existing 60+ veterinarians. Those veterinarians support many vendors in equine agribusiness companies that are located and operate in Lexington-Fayette County and surrounding counties. Dr. Fallon stated that the base of that economic platform is the horse, which is the reason that many residents locate here. He read the following for the record:

“As custodians of this unique and precious landscape which gives Lexington its cultural identity as the Horse Capitol of the World and provides valuable economic growth through agribusiness, we must preserve the A-R zone as it is currently written to protect the inner Bluegrass Region of Fayette County. It is imperative that the A-R zone remain intact as it has been historically maintained by our predecessors and other forms of adventure tourism be directed towards B-1, A-N, or A-B areas given the intent of those zones with consideration given to the impact on adjacent agricultural operations with these types of activities.”

Richard Murphy, attorney, was present representing Hidden Haven, LLC, which owns property that is currently zoned A-R, but is eligible for the A-N zone. He said that he “would like to see the A-N zone exist someday in reality,” since it currently exists only in the Zoning Ordinance.

Mr. Murphy stated that he has had conversations with owners of A-R properties that are unsuitable for agricultural purposes due to steep slopes and thin soils, but they are not interested in A-N zoning, because it allows only agriculture and single family houses on 40-acre tracts. Most of the properties in areas that would be appropriate for A-N zoning are not suitable for farming, or, in many cases, for housing. With regard to conditional uses, Mr. Murphy said that there are many more available such uses in the A-R zone than the A-N zone. Most property owners are not interested in what amounts to downzoning their property, and there is no incentive to request the A-N zone.

Mr. Murphy said that he would like to suggest four allowable principal uses in the A-N zone that would be suitable for the properties on which they would be located: 1) commercial and non-commercial outdoor recreational facilities; 2) agritourism activities; 3) ecotourism activities; and 4) youth camps. He contended that allowing those four uses would give property owners some incentive to request the A-N zone, and let the zone regulate as it was designed to do.

Commission Question: Mr. Owens asked what address is associated with Hidden Haven, LLC. Mr. Murphy responded that the property is in the Old Richmond Road area, but is not the Boone Creek Outdoors property, which was before the Planning Commission a month prior to this hearing.

Phil DeSimone, member of the ZOTA committee, stated that the A-N zone was developed to protect sensitive land from “erosion and abuse.”

Jane Snyder-Harrod, 8385 Durbin Lane, stated that her family has been paying taxes on and farming the property since 1803, but is now “being asked to be a postcard.” She said that the property is supposed to look a certain way, even though it is located approximately 100 feet from Interstate 75. The farm is also not supposed to negatively impact the environment, although it is impacted by pollution from the interstate.

Ms. Snyder-Harrod said that the construction of the interstate left her property with only five tillable acres, which are difficult to farm for her cattle and hogs because she cannot raise her own feed. The remaining 135 acres of the property contain

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mostly the cliffs and mouth of Boone Creek along the Kentucky River, and are too steep and rocky to safely board horses there.

Ms. Snyder-Harrod stated that she had worked on the "bottom end" of the thoroughbred industry as an exercise rider for years, and she believes that it is a great industry. She said, however, that she does not understand why so many horse farm owners feel "threatened" by the prospect of ecotourism facilities such as Boone Creek Outdoors, since there are no such farms adjacent.

Ms. Snyder-Harrod said that she was excited to hear about the formation of the Recreation ZOTA work group, since she thought expanding the uses available in the A-N zone could provide more opportunities for her to earn income from her farm. Over the course of the process, however, she has been disappointed with the results. She is concerned that a conditional use permit will still be required for almost all of the possible activities that she could pursue for her farm, and she asked how long the process for obtaining a permit usually takes. Mr. Sallee answered that the time between an application and the BOA hearing for a conditional use permit is about six weeks. Ms. Snyder-Harrod asked how much it costs to obtain a conditional use permit. Mr. Sallee responded that the filing fees generally range between \$125 and \$500.

Ms. Snyder-Harrod asked the Planning Commission not to "cut down the creativity of farmers who have very little agricultural land left." She requested that they consider each situation individually, since not all of the farmers in the area benefit from the equine industry.

Amy Clark, 628 Kastle Road, asked that the Planning Commission give consideration to a set of conditional uses that, in her opinion, "have been wholly ignored in this process to date." She said that definitions and clearly articulated conditions are needed for every use, particularly the new historical horse racing uses being proposed at local racetracks.

Ms. Clark stated that historical horse racing is not comparable to traditional racing, because it is "played at lightning-fast speed on video gaming terminals." She opined that the wagering that accompanies this type of racing entertainment needs regulation, because it could offer a great deal of harm to citizens and neighborhoods, particularly the least fortunate citizens. This type of racing offers the opportunity to wager, in a single day, a number of races equal to a typical fall meet.

Ms. Clark said that she does not believe that historical horse racing should be offered in or near residential areas; she suggested that those uses should have locational standards and conditions of use requiring separation from children and residences. She stated that the current definitions refer to horse racing and simulcasting, which are both offered in real-time and are very different from historical racing. Ms. Clark opined that it is incumbent upon the Commission to regulate these types of uses similarly to bars and restaurants, which are regulated by both state liquor licenses and local zoning laws.

Jan Hellebusch, 134 Hamilton Park, stated that she, too, is concerned about the possible detrimental effect that historical horse racing could have on her neighborhood, given its proximity to both the Red Mile and Keeneland racetracks. She said that many other residents along the Versailles Road corridor are very concerned as well, and asked that the Planning Commission "pay close attention to this issue," in order to prevent the location of slot machines in Lexington-Fayette County.

Gloria Martin, Grimes Mill Road, asked that the Planning Commission consider the proposed ZOTA globally, and how it dovetails with other regulations. She said that she was asked to speak at this hearing, like Mr. Lear, because of her institutional memory and past work on the Greenway and Greenspace Plans, as well as two Comprehensive Plan update committees. She asked that the Planning Commission consider the recommendations of those past plans, as well as the effect of the proposed ZOTA on neighborhoods. It is important, Ms. Martin opined, to carefully consider the recreational uses allowed in neighborhood parks, many of which are "loved to death."

Ms. Martin said that she believes that it is also important to remember that the Planning Commission must abide by KRS regulations with regard to agritourism uses, such as corn mazes and hayrides, and focus on the direction that KRS provides for working those uses into the Zoning Ordinance. She distributed to the Commission members proposed text for the A-R and A-N zones, noting that she incorporated parts of the proposed Planning Commission text; the staff recommendation; the work group recommendation; and neighborhood and residents' desires.

Ms. Martin also entered into the record a letter from a state veterinary organization, which Mr. King indicated had previously been distributed to the Commission.

Note: Mr. Cravens left the meeting at this time.

Charles Martin, Grimes Mill Road, stated that he has lived in his home for 36 years, because of its location along Boone Creek. He said that he believed it was more important to consider "what we can do for the creek and the natural area, rather than what the natural area can do for us," since he does not believe that natural areas should be income-producing.

Dr. Martin said that he had worked for preservation of the Boone Creek area through the following projects: the Kentucky State Nature Preserve Commission's Natural Area designation; recognition of the protection area by the Nature Conservancy; implementation of an agricultural water quality plan; the Boone Creek Watershed Study, which involved three counties;

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the Boone Creek Conservation Plan; the National Register Rural Historic District designation; Tourism Arts & Heritage contracts; and preservation of his entire farm through PDR and Bluegrass Conservancy easements.

Dr. Martin stated that he had attended the ZOTA work group meetings, the result of which was a matrix of possible uses. He said that he finds it interesting that some uses are proposed to be prohibited in the A-R zone, but allowable in the A-N zone, which all of the previous plans for the area indicated should remain as wilderness land. Dr. Martin requested that the Planning Commission make the permitted uses compatible with the Rural Land Management Plan, Greenspace Plan, and Greenway Plan, and ensure that the permitted uses do not negatively impact existing conservation easements and ongoing efforts. He said that Lexington-Fayette County is lucky to have strong planning and zoning regulations, and asked that the Planning Commission not “devalue” those, the recommendations of its staff, or the desires of engaged citizens and community leaders.

Chairman Comments: Mr. Owens stated that 10 of the speakers had represented associations or groups, with 15 private citizens, all of whom provided good information. He thanked the speakers for their attendance, and those who submitted letters and emails with comments on the proposed text amendment. Mr. Owens declared the public hearing portion of this item closed, explaining that this item would be continued to the Commission’s November 13th meeting. The Commission would be discussing the comments at their next work session, and continuing to do what they believe is best for Lexington-Fayette County.

VI. COMMISSION ITEMS

- A. ADOPTION OF MEETING & FILING SCHEDULE – The staff will present copies of the recommended “Official Meeting and Filing Schedule for 2015” and will request that the Commission consider its adoption. After adoption by the Commission and by the Board of Adjustment, the 2015 schedule will be distributed.

Action: A motion was made by Mr. Wilson, seconded by Ms. Richardson, and carried 9-0 (Cravens and Penn absent) to adopt the 2015 Meeting & Filing Schedule as presented by staff.

VII. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR November, 2014

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	November 6, 2014
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 13, 2014
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	November 20, 2014
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	November 26, 2014

- X. ADJOURNMENT – There being no further business, Chairman Owens declared the meeting adjourned at 4:01 p.m.

TLW/TM/CT/BJR/BS/src

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